

June 6, 2011

Clerk of Court, John Joseph Moakley  
U.S. Courthouse  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

RE: BMS AWP Docket No. 01-CV-12257-PBS, MDL No. 1456.

I admit to being confounded by the latest Court Notice of May 26, 2011 outlining changes in the terms of a proposed settlement following the March 28, 2011 hearing. What happened?

- On the one hand, the total amount of money available to pay consumer claims has been increased by one million dollars from \$4,370,000 to \$5,370,000. Is that correct? If so, it suggests each claim would be increased proportionally. However, reading on about the changes does not indicate the extra million dollars is likely to redound to the benefit of the individual plaintiffs in the Class.
- My original claim card was for BMS drugs paid for from 1/1/1991 to 12/31/2004. Yet, Taxol--the most expensive drug-- will now only be reimbursed for 2002-2003. How come?
- Further, Taxol overcharges will be reimbursed at a flat \$50, without regard to the number of administrations given. How did that happen?
- The previous formula also had a multiplication factor of three for Cytoxan, Taxol and Vepsid which appears to have been rescinded. Why?
- A previous notice I received of February 4, 2011 stated that a reimbursement of \$5,239.58 in overcharges would be made. Under the new proposal, what might the return of overcharges be specifically in my instance?
- The recent notice says "either the Court found no liability or the Plaintiffs' experts (of all odd things) determined there were minimal to no overcharges." What then was the basis of the original case being brought as far forward as it did? Courts do not like to entertain frivolous claims.
- It appears that the recovery of overcharges will be greatly reduced as a result of the latest proposal approved by the Court. So, who gets the extra \$1 million?

One can only conclude that neither the Court nor the Plaintiffs' experts have fairly, reasonably, or adequately represented the interests of overcharged patients, and that once again, big Pharma has prevailed.

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